

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

In re INACOM CORP., *et al.*,

Bankruptcy Case No. 00-2426 (PJW)

INACOM CORP., on behalf of all affiliated  
Debtors,

Plaintiff,

v.

TECH DATA CORPORATION,

Defendant.

AND RELATED THIRD PARTY  
ACTION.Civil Action No. 04-148 (GMS)  
[Bk Adv. Case No. 03-50501 (PJW)]

**PLAINTIFF'S MOTION FOR LEAVE TO FILE MOTIONS IN LIMINE**

Plaintiff Inacom Corp. files this Motion for leave in an abundance of caution to ensure that it is in compliance with the Court's pretrial procedures. In accordance with the Court's form of Final Pretrial Order, Plaintiff has identified and filed its motions in limine concurrently with the filing of the Pretrial Order. (The motions in limine are also identified in Exhibit A hereto.) Plaintiff has also heard, however, that the Court does not always accept motions in limine in actions before the Court as a result of withdrawal of the reference from the Bankruptcy Court. As such, Plaintiff has taken this extraordinary step to seek the Court's leave to file its three motions in limine in this action.

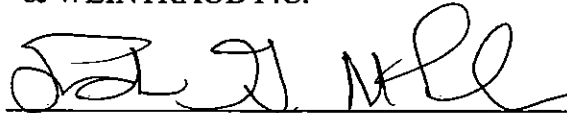
Plaintiff submits that the motions in limine will greatly assist the Court in streamlining the trial of this matter by excluding inappropriate evidence. The Court has authority to exclude evidence based on a motion in limine, pursuant to its "inherent power to manage the course of trials." *Luce v. United States*, 469 U.S. 38, 41, 105 S.Ct. 460, 463, fn.2 (1984); *United States v. Holmquist*, 36 F.3d 154, 163 (1<sup>st</sup> Cir. 1994). Motions in limine are well recognized in the case

law as a vehicle for "advance planning [that] helps both parties and the court." *United States v. Cook*, 608 F.2d 1175, 1186 (9<sup>th</sup> Cir. 1979). *See Padillas v. Stork-Gamco, Inc.*, 186 F.3d 412, 417 (3<sup>rd</sup> Cir. 1999).

Plaintiff thus respectfully requests that the Court grant leave to file and pursue its motions in limine in this matter.

Dated: August 15, 2005

PACHULSKI, STANG, ZIEHL, YOUNG, JONES  
& WEINTRAUB P.C.



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